

FIFTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 23, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Getzendaner,
The reading of the journal of Saturday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on Counties and County Boundaries, to whom was referred House bill No. 579, entitled "An act to divide the western portion of Tom Green county into six new counties, namely: Ector, Winkler, Loving, Upton, Crane and Carter, and defining the boundaries thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.
All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on State Affairs, to whom was referred the bill No. 391, entitled "An act amendatory of and supplementary to the several acts incorporating the city of Dallas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.
All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on Judicial Districts, to whom was referred the bill No. 271, entitled "An act to amend section 32 and section 33 of an act to redistrict the State into judicial districts, to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," and Senate bill No. 271, entitled "An act reorganizing the thirtieth and thirty-first judicial districts, and to create the thirty-ninth judicial district, to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in said districts," have had both of said bills under consideration and have instructed me to report the accompanying substitute back for the said bills, with the recommendation that the said substitute be adopted in lieu of the said bills, and that the said substitute do pass.
All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

Senator Garrison:

An act to confer upon certain county courts the civil jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain."
Referred to Judiciary Committee No. 2.

On motion of Senator Kleberg,
Senator Jones was excused indefinitely, on account of sickness.

On motion of Senator Terrell,
Senator Peacock was excused indefinitely.
On motion of Senator Houston of Wheeler,
Senator Glasscock was excused for Saturday.
On motion of Senator Stinson,
Senator Camp was excused indefinitely, on account of sickness.

Senator Terrell moved a call of the Senate on the morning session.
Call sustained.

Senators Jerdone and Perry were found to be absent without excuse, and

The Sergeant-at-Arms was ordered to bring in the absent Senators.

Senator Harrison, by leave, introduced the following concurrent resolution:

Resolved by the Senate, the House concurring, that the Governor of the State be, and is hereby authorized, to request, in the name of the State, the Mexican authorities to permit the removing of the remains of the late Col. Frank Johnson, who was buried in their territory.

Adopted.

On motion of Senator Pope,

The special orders were temporarily postponed and

House bill No. 85, "An act to amend articles 3164, 3165, 3166, 3171, 3176, 3177, 3178 and 3179, of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens, and to add thereto, articles 3179a and 3179b," was taken up and read the second time.

Senator Davis moved to strike out articles 3179a and 3179b.

Adopted.

Senator Houston of Bexar moved to strike out all after the word "repairs," at the end of line 17, article 3179, down to and including line 28, article 3179.

Adopted.

Senator Evans offered to amend article 3173 by striking out all of said article after the word "property," in line 4.

Lost.

Senator Davis moved to strike out article 3177.

Adopted.

Senator Getzendaner moved to strike out 3177 and all after word "liens," in line 4 of caption.

Adopted.

Senator Terrell moved to amend by striking out the words "two months," in line 17, article 3165, and insert in lieu thereof the words "thirty days."

Adopted.

Senator Kilgore moved to amend by striking out 3177 in the enacting clause.

Adopted.

The bill was passed to third reading.

Senator Houston of Bexar moved to suspend the constitutional rule and place the bill on its final reading.

Adopted by the following vote:

YEAS—23.

Bell,
Calhoun,
Davis,
Farrar,

Fowler,
Garrison,
Getzendaner,
Glasscock,

Hall,
Harrison,
Houston of Bexar,
Houston of Wheeler,

Kilgore,
Kleberg,
Knittel,
Pfeuffer,

Pope,
Randolph,
Shannon,
Stinson,

Terrell,
Traylor,
Woods.

NAYS—1.

Evans.

ABSENT, NOT VOTING.

Jerdone,

Perry.

The bill was read third time and passed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of the following bills:

Senate bill No. 238, "An act to create the Webb county land district."

Senate bill No. 244, "An act to create the Hardeman land district."

House bill No. 148, "An act to amend section 14, chapter 67 of an act entitled 'an act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1884."

House bill No. 151, "An act to prevent the gift, sale or loaning of pistols or other deadly weapons to minors, and fixing penalties therefore."

House bill No. 229, "An act to amend article 4360 of the Revised Civil Statutes of the State of Texas, as amended by an act approved February 2, 1884, and an act approved February 5, 1884, chapters 11 and 13 of the general laws passed at the special session of the Eighteenth Legislature, relating to the changing of public roads."

House bill No. 533, "An act to authorize the Secretary of State to purchase for the use of the State the Texas Court of Appeals Reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor."

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes." The House insists upon its amendments to said bill and asks for a conference committee, and appoints the following committee on the part of the House: Messrs. Browning, Steele and Pendleton of Bell.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Senator Davis moved that the conference committee asked for be appointed.

Adopted.

The President appointed Senators Davis, Terrell and Woods on the committee.

House bill No. 148 was referred to Committee on Judicial Districts.

House bill No. 151 was referred to Judiciary Committee No. 2.

House bill No. 229 was referred to Committee on Roads and Bridges.

House bill No. 533 to Committee on Public Printing.

On motion of Senator Pope,

Senator Jerdone was excused for the day.

Senator Terrell moved to excuse Senator Perry for the day.

Adopted by the following vote:

YEAS—17.

Bell,
Calhoun,
Evans,
Farrar,
Fowler,
Getzendaner,

Glasscock,
Hall,
Houston of Bexar,
Houston of Wheeler,
Kleberg,
Knittel,
Pfeuffer,
Pope,
Shannon,
Terrell,
Traylor.

NAYS—7.

Davis,
Garrison,
Harrison,

Kilgore,
Randolph,

Stinson,
Woods.

Senate bill No. 258 (the Kilgore railroad bill) was laid before the Senate as the special order, and on motion of Senator Kilgore was postponed till Senate bills on third reading and House bills on second reading are disposed of.

Senator Houston of Wheeler entered a motion to reconsider the vote by which the bill was postponed.

Senate bill No. 205, "An act defining who are to be buried in the State cemetery, and defining the powers and duties of the Superintendent of Public Grounds in relation thereto," was laid before the Senate as a special order, and was read the second time with committee amendments.

The committee amendments were adopted, and

The bill was ordered engrossed.

House bill No. 49, "An act to amend article 4686 title 95, chapter 2 of the Revised Civil Statutes," was laid before the Senate, and

Read the second time and passed to third reading

House bill No. 437, "An act to protect mechanic operatives, book-keepers, clerks and laborers who perform labor in any mill, factory, shop, store office or farm, against the failure of owners, sub-owners, contractors or agents to pay their wages and to provide a lien for such wages," was laid before the Senate, and read the second time with committee amendments.

The committee amendments were adopted and bill passed to third reading.

On motion of Senator Terrell,

The special orders were further postponed, and House bill No. 391, "An act amendatory of and supplementary to the several acts incorporation the city of Dallas," taken up.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—23.

Bell,
Calhoun,
Davis,
Evans,
Farrar,
Fowler,
Garrison,
Getzendaner,

Glasscock,
Hall,
Harrison,
Houston of Bexar,
Houston of Wheeler,
Kilgore,
Knittel,
Pfeuffer,

Pope,
Randolph,
Shannon,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—none.

The bill was read second time, and passed to third reading.

On motion of Senator Terrell,

The constitutional rule was suspended, and

The bill was placed on its final reading by the following vote:

YEAS—23.

Bell,
Calhoun,
Davis,
Evans,
Farrar,
Fowler,
Garrison,
Getzendaner,

Glasscock,
Harrison,
Houston of Bexar,
Houston of Wheeler,
Kilgore,
Kleberg,
Knittel,
Pfeuffer,

Pope,
Randolph,
Shannon,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—none.

The bill was read third time and passed by the following vote:

YEAS—23.

Bell,	Glasscock,	Pope,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods,
Getzendaner,	Pfeuffer,	

NAYS—none.

Senator Traylor moved to postpone the executive session till Wednesday morning.

Adopted.

The following message was received from the Governor, and

On motion of Senator Calhoun, was ordered printed in the journal, and consideration of same was postponed till Wednesday:

To the Senate and House of Representatives:

GENTLEMEN—I again call your attention to the inequality of taxation now prevalent in this State. It has become a notorious fact that in certain sections of this State there are large interests that yield no revenue, comparatively, to the support of the government. It not only yields but a paltry sum compared to its vast amount, but this very interest is sustained and grows upon the property of the schools, asylums and University, free, while all the other sections are taxed to support these various institutions. So notorious have these facts become, that in a circular recently issued, the boast is made that these lands are being used free of charge and in defiance of law. The timber on these lands is being cut and hauled off and sold, and no prosecutions can be had, or the property protected, because of the sparse population, unorganized territory and other reasons.

In my message to the extra session of the Eighteenth Legislature I suggested the necessity for the organization of some tribunal not known to the present system, for the purpose of enforcing the laws in certain sections of the State.

The present Legislature has attached two organized counties to another for judicial purposes, for the reason that a sufficient number of law-abiding people cannot be found in them to enforce the law.

How much more, then, is it necessary to have some tribunal in the territory spoken of for the adjudication of these matters. This must be done, and the State must take litigation, criminal and civil, to distant parts of the State, or decline to attempt to enforce the law, either to collect taxes, correct crime or settle civil disputes.

Under the provision of the Constitution, which says, speaking of the judiciary, "and in such other courts as may be organized by the Legislature," ample authority is found to place courts in the midst of the territory alluded to that will administer the law.

I herewith transmit a communication from the Comptroller of Public Accounts, to which I invite the careful consideration of the two Houses.

JOHN IRELAND, Governor.

OFFICE OF COMPTROLLER,
AUSTIN, March 20, 1885.

His Excellency John Ireland, Governor:

DEAR SIR—Having been called upon by the Committee on Revenue and Taxation at an early day in this session of the Legislature for estimates based upon certain rates of revenue taxation, to-wit, 17½, 20, 22½ and 25 cents on the one hundred dollars worth of property, I forwarded the following estimates, which, doubtless, you have seen, viz.: Probable receipts for two years at 17½ cents would be \$3,332,812.

The probable receipts during the next two years, with the rate of taxation at 20 cents, assuming the taxable values to be the same as last year, will be, say, \$3,442,000.

The probable receipts during the next two years, with the rate of taxation increased to twenty-two and one-half cents, taxable values being the same, will produce, say \$3,562,000.

The probable receipts during the next two years, with the rate of taxation increased to twenty-five cents, will be, say \$3,682,000.

Assuming the probable expenses of the State government for the next two years to be as given in the last report from this office, less the item of deficiency provided for by recent

act of the Nineteenth Legislature, we have the probable expenses for the next two years \$3,400,368.

This, added to the increased items presented by the Legislature, which for extra session of the Nineteenth and regular session of the Twentieth Legislatures, will be in amount say \$250,000.

At the present rate of taxation we could well calculate on a deficiency at the end of two years of \$335,556.

The deficiency for the same time with the rate of taxation increased to twenty cents will be, say \$210,368.

The deficiency for the same time with the rate of taxation twenty-two and one-half cents will be, say \$96,000.

And with the rate of taxation at twenty-five cents, we estimate a revenue surplus of \$23,632.

In this statement I have not considered any increase of taxable values over that of 1884, nor have I considered any probable increase in losses to the State from increased insolvent lists, and increased lists of sales of lands for the non-payment of taxes, which the stringency of the times indicate.

These estimates having been given out at the request of one of the most important committees of the Legislature, I think perhaps it is not improper for me, as the financial officer of the State, even at this late date, to present the subject to you, with some additional suggestions which you, at your discretion, may or may not present to the Legislature.

The relief sought to be effected by this communication is not intended to affect the amount to be levied for general revenue purposes, but a relief to the general school fund, which may be augmented from other sources, so as to no longer require increased taxation.

The total number of acres of land belonging to the common school fund, as ascertained from the report of the Hon. W. C. Walsh, Commissioner of the General Land Office, is 24,678,279, after deducting the sales made under the several acts of 1874, 1879 and 1881.

If the lands should all be leased at an average price of four cents per acre, it would produce.....	\$987,131 88
The receipts from land notes in the State Treasurer's office.....	476,606 86
Amount of interest on land sales by the State Land Board.....	189,974 45
Interest on county bonds held by the permanent school fund.....	104,622 00
Interest on State bonds held by the permanent school fund.....	117,900 00
Interest on railroad debt to the permanent school fund.....	95,000 00
One-fourth of the occupation taxes.....	211,000 00
Educational poll tax.....	215,000 00

Total amount..... \$2,397,245 19

The above sum (\$2,397,245.19) is \$364,000 more than was distributed to the several counties, derived from the 12 1-2 cents school tax and all other sources.

As may readily be seen, if the school lands can be leased at four (4) cents per acre, the people are relieved from the direct tax of 12 1-2 cents to support the schools.

The ad valorem school tax of 12 1-2 cents will produce \$603,826.00, and as above shown, 4 cents an acre rent for school lands will yield \$987,131.88.

But in this connection I trust I will be excused for calling your attention to the fact that the financial officers of the State will never be enabled to collect taxes to support the government, whether derived from direct tax or a tax in the shape of a lease law for school lands, unless adequate means are provided to enforce the law.

Nearly all the unleased school lands are located in the unorganized counties, in which no tax collector or any other officer of the law lives, and these lands are now occupied by corporations and individuals, rent free, and who pay but a small sum on their immense personal profits.

This department has been and will continue to be powerless to enforce proper collections in the unorganized counties, unless new tribunals are created to inspect that extensive territory, to classify and value the lands, and to enforce the provisions of the law.

No tax of any character is ever paid when no means are provided to enforce its collection.

The representatives of the stock interest of the State, in their last State convention, in January last, unanimously adopted the following resolutions:

"1. That a majority of the members desire that the school lands be made to yield a revenue to the school fund under a just system of laws."

* * * * *

"4. That if the Legislature will provide some means of enforcing respect for the law of April 12, 1883, or enact any other fair law, the school lands of Texas may be made to pay a vast sum annually."

Thus you have before you the declaration of the stock interest of Texas, that you must have means for enforcing respect for any lease law, if revenue is derived from free school lands.

The foregoing figures demonstrate that if the Legislature will adapt some mode whereby a lease law will be operative, and not oppressive to any interest in the immense territory embraced in the unorganized counties, the direct school tax of 12½ cents may be entirely dispensed with after the present year, and the State administered without a deficiency on an aggregate tax of 25 cents on the one hundred dollars valuation, thus diminishing instead of increasing taxation.

Unless some means of this character is adopted, it will require an ad valorem tax of 25 cents and a school tax of 12½ cents, amounting in the aggregate to 37½ cents, to avoid deficiency.

Very respectfully.

WM. J. SWAIN, Comptroller.

By leave, Senator Fowler sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 148, entitled "A bill to be entitled an act to amend articles 8 and 14 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, to create the thirty-ninth judicial district of the State of Texas, fix the times for holding court therein, and provide for the appointment of a district judge for said district," have had the same under consideration and instruct me to report it back with the recommendation that it do pass with the following amendment:

Strike out the word "thirty-ninth" in the caption, and the same word in sections 2 and 3, and insert in lieu thereof the word "fortieth."

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

(Senator Houston of Bexar in the chair.)

Senate bill No. 267 (the bill substituting granite for limestone, etc.) was laid before the Senate and read the third time.

Senator Pope moved to postpone consideration of the bill till Wednesday.

Lost by the following vote:

YEAS—12.

Davis,	Hall,	Pfeuffer,
Evans,	Harrison,	Pope,
Fowler,	Kilgore,	Randolph,
Garrison,	Kleberg,	Stinson.

NAYS—12.

Bell,	Glasscock,	Shannon,
Calhoun,	Houston of Bexar,	Terrell,
Farrar,	Houston of Wheeler,	Traylor,
Getzendaner,	Knittel,	Woods.

On motion of Senator Kleberg,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Senator Kleberg called up the motion of Senator Shannon to reconsider the vote by which the con-

current resolution regarding adjournment sine die was adopted.

Senator Pope moved to postpone consideration of the motion to reconsider till Thursday.

Senator Houston of Wheeler moved the previous question.

Seconded, and

Main question ordered.

The motion of Senator Pope to postpone was lost by the following vote:

YEAS—8.

Bell,	Glasscock,	Randolph,
Calhoun,	Houston of Wheeler,	Shannon.
Garrison,	Pope,	

NAYS—16.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Hall,		

The motion to reconsider was lost by the following vote:

YEAS—8.

Bell,	Glasscock,	Randolph,
Calhoun,	Houston of Wheeler,	Shannon.
Garrison,	Pope,	

NAYS—16.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Hall,		

On motion of Senator Houston of Wheeler,

The regular order of business was suspended and Senate bill No. 271, "An act to amend sections 2 and 33 of 'an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Monday of November, 1884,'" and

Senate bill No. 274, "An act reorganizing the thirtieth and thirty-first judicial districts, and to create the thirty-ninth judicial district, and to fix the times for holding court therein, etc., were taken up.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended and

The bills were placed on the second reading: the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Harrison,

Randolph.

The bills were read the second time with committee substitute, and the committee substitute was adopted and was ordered engrossed.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended, and

The bill was placed on its final reading by the following vote:

YEAS—24.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

The bill was read third time and passed by the following vote:

YEAS—23.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Pfeuffer,	

NAYS—none.

ABSENT, NOT VOTING.

Davis.

On motion of Senator Hall,

The regular order of business was suspended, and Senate bill No. 253, "An act to amend article 542 of the Revised Civil Statutes," was taken up, and

Read the second time and was ordered engrossed.

On motion of Senator Hall,

The constitutional rule was suspended, and the bill was placed on its final reading by the following vote:

YEAS—24.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

The bill was read third time and passed by the following vote:

YEAS—23.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Pfeuffer,	

NAYS—none.

ABSENT, NOT VOTING.

Glasscock.

On motion of Senator Kleberg,

The regular order of business was postponed, and House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship tackle," was taken up, and

On motion of Senator Davis was made the special order for Tuesday after morning call, and from day to day till disposed of, by the following vote:

YEAS—14.

Bell,	Evans,	Getzendaner,
Calhoun,	Farrar,	Houston of Bexar,
Davis,	Garrison,	Houston of Wheeler,

Kilgore,	Pope,	Woods.
Pfeuffer,	Randolph,	

NAYS—10.

Fowler,	Knittel,	Stinson,
Hall,	Perry,	Terrell,
Harrison,	Shannon,	Traylor.
Kleberg,		

ABSENT, NOT VOTING.

Glasscock.

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884; and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds," was laid before the Senate, and

Read the third time and passed by the following vote:

YEAS—21.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Houston of Bexar,	Randolph,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Woods.

NAYS—3.

Harrison,	Perry,	Traylor.
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ABSENT, NOT VOTING.

Glasscock.

The President laid House bill No. 195, "An act to amend article 1453 of the Revised Civil Statutes," before the Senate.

The bill was read second time, with unfavorable committee report.

Senator Davis moved the adoption of the committee report.

Senator Fowler moved to recommit the bill to Judiciary Committee No. 1

Lost.

The adoption of the report of the committee was lost by the following vote:

YEAS—12.

Davis,	Getzendaner,	Knittel,
Evans,	Houston of Bexar,	Perry,
Farrar,	Kilgore,	Pfeuffer,
Garrison,	Kleberg,	Terrell.

NAYS—13.

Mr. President,	Hall,	Randolph,
Bell,	Harrison,	Shannon,
Calhoun,	Houston of Wheeler,	Stinson,
Fowler,	Pope,	Woods.
Glasscock,		

Senator Fowler offered amendment:

Amend so as to allow the clerk a reasonable compensation, to be fixed by the court as a part of the costs.

Senator Davis offered to amend the amendment as follows:

Provided, the clerk, is not related to the judge, in which case the sheriff shall fix the compensation.

Adopted.

Senator Pope moved to reconsider the vote adopting the amendment of Senator Davis.

Adopted by the following vote:

YEAS—14.		
Bell,	Hall,	Shannon,
Calhoun,	Harrison,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Pope,	Woods,
Glasscock,	Randolph,	

NAYS—11.		
Davis,	Houston of Bexar,	Perry,
Evans,	Kleberg,	Pfeuffer,
Farrar,	Kilgore,	Terrell,
Garrison,	Knittel,	

The amendment of Senator Davis was lost.

Senator Woods moved to amend by adding "not to exceed one per cent."

Accepted.

Senator Terrell moved to postpone the bill indefinitely.

Lost by the following vote:

YEAS—12.		
Davis,	Getzendaner,	Kleberg,
Evans,	Hall,	Perry,
Farrar,	Houston of Bexar,	Pfeuffer,
Garrison,	Kilgore,	Terrell,

NAYS—13.		
Bell,	Houston of Wheeler,	Shannon,
Calhoun,	Knittel,	Stinson,
Fowler,	Pope,	Traylor,
Glasscock,	Randolph,	Woods,
Harrison,		

The amendment as amended was adopted by the following vote:

YEAS—17.		
Bell,	Hall,	Randolph,
Calhoun,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Kilgore,	Woods,
Glasscock,	Pope,	

NAYS—8.		
Davis,	Kleberg,	Pfeuffer,
Farrar,	Knittel,	Terrell,
Garrison,	Perry,	

Senator Kilgore offered the following amendment:

Amend so as to strike out county clerks in the bill, and make it apply only to district clerks.

Adopted.

Senator Houston of Wheeler offered the following amendment:

Amend line 1, section 1, by striking out the words, "Be it enacted by the Legislature of the State of Texas."

Lost by the following vote:

YEAS—11.		
Davis,	Houston of Wheeler,	Perry,
Farrar,	Kilgore,	Pfeuffer,
Garrison,	Kleberg,	Terrell,
Houston of Bexar,	Knittel,	

NAYS—14.		
Bell,	Glasscock,	Shannon,
Calhoun,	Hall,	Stinson,
Evans,	Harrison,	Traylor,
Fowler,	Pope,	Woods,
Getzendaner,	Randolph,	

Senator Davis moved the previous question on the engrossment of the bill.

Seconded and main question ordered.

The bill passed to third reading by the following vote:

YEAS—13.		
Bell,	Glasscock,	Shannon,
Calhoun,	Hall,	Stinson,
Evans,	Pope,	Traylor,
Fowler,	Randolph,	Woods,
Getzendaner,		

NAYS—12.		
Davis,	Houston of Bexar,	Knittel,
Farrar,	Houston of Wheeler,	Perry,
Garrison,	Kilgore,	Pfeuffer,
Harrison,	Kleberg,	Terrell,

House bill No. 252, "An act to amend article 636 chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' was laid before the Senate and read the second time and,

On motion of Senator Bell,

The bill was postponed and made the special order for Wednesday after morning call, and from day to day till disposed of, and

One hundred copies were ordered printed for the use of the Senate:

(Senator Bell in the chair.)

House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor, was laid before the Senate and read the second time, and,

On motion of Senator Shannon, was recommitted to Committee on Internal Improvements.

On motion of Senator Pope,

Senate bill No. 183, entitled "An act to amend section 1, chapter 38 of the general laws of the State of Texas, passed at the regular session of the Eighteenth Legislature," was taken up and read the second time with committee substitute, and

Committee substitute adopted.

Senator Houston of Bexar moved to strike out "Tom Green" from list of exempted counties.

Adopted.

Senator Houston of Wheeler moved to amend by exempting all organized and unorganized counties in the nineteenth senatorial district.

Adopted.

Senator Calhoun moved to amend by adding the counties of Concho, McCulloch, San Saba (mentioned in article 430), to exempted list.

Adopted.

Senator Kleberg moved to amend by exempting McMullen county from the operations of this act and articles 425, 426, 426½, 427, 428 and 429.

Adopted.

Senator Hall offered the following amendment:

Strike out Dimmitt, Frio, Maverick and Zavalla from the list of exempted counties.

Adopted.

Senator Knittel moved to amend by striking out "Austin," in line 19, page 2.

Adopted.

Senator Garrison moved to strike out Panola county from the list of exempted counties, except as to article 429.

Adopted.

The bill was ordered engrossed.

On motion of Senator Davis,

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas," was taken up and read the second time, with committee amendment.

Senator Kleberg offered the following substitute for the amendment:

Amend by adding the following: "Provided, that the owner of the water shall not be subject to the penalties of this act."

Adopted by the following vote:

YEAS—16.

Bell,	Houston of Wheeler,	Pope,
Farrar,	Kilgore,	Shannon,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Houston of Bexar,		

NAYS—9.

Calhoun,	Garrison,	Perry,
Davis,	Hall,	Randolph,
Evans,	Harrison	Stinson.

The amendment, as substituted, was adopted.

Senator Stinson offered the following amendment:

Amend by exempting the counties of the fifth and twenty-third Senatorial districts.

Senator Davis moved to exempt Cooke and Grayson counties.

Accepted.

Senator Evans moved to exempt the counties of Fannin, Lamar and Red River.

Accepted.

Senator Calhoun moved to exempt all the counties in the twenty-ninth senatorial district.

Accepted.

Senator Randolph moved to exempt the counties of Angelina, Grimes, Houston, Leon and Madison.

Accepted.

Senator Hall moved to exempt all the counties of the twenty-seventh Senatorial district.

Accepted.

Senator Perry moved to amend by exempting Brazos, Milam and Robertson counties.

Accepted.

Senator Calhoun moved to exempt Galveston county.

Accepted.

Senator Traylor offered the following amendment:

Exempt counties of the thirtieth senatorial district.

Accepted.

Senator Garrison offered the following amendment:

Amend by exempting the counties of Rusk, Panola, Shelby, San Augustine, Sabine and Nacogdoches, from the provisions of the bill.

Accepted.

Senator Houston of Bexar moved that the bill be recommitted to Judiciary Committee No. 2.

Senator Pope moved the previous question on the motion to recommit.

Seconded, and

Main question ordered.

The motion was adopted by the following vote:

YEAS—15.

Calhoun,	Farrar,	Glasscock,
Davis,	Garrison,	Hall,
Evans,	Getzendaner,	Houston of Bexar,

Kilgore,
Perry,

Pfeuffer,
Randolph,

Shannon,
Traylor,

NAYS—10.

Bell,
Fowler,
Harrison,
Houston of Wheeler,

Kleberg,
Knittel,
Pope,

Stinson,
Terrell,
Woods.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of the following joint resolutions amending the Constitution of the State of Texas, to-wit:

Substitute House joint resolutions Nos. 1 and 2, to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas.

House joint resolution No. 25, proposing an amendment to section 20, article 16 of the Constitution of the State of Texas.

House joint resolution No. 27, "To amend section 8, article 5 of the Constitution of the State of Texas."

House concurrent resolution granting the use of the Hall of Representatives for certain purposes.

Respectfully,

A. D. SADLER,

Chief Clerk House of Representatives.

The President referred the House joint resolutions just reported to Committee on Constitutional Amendments.

On motion of Senator Pfeuffer,

The Senate adjourned till 10 o'clock to-morrow morning.

SIXTIETH DAY.

SENATE CHAMBER,
AUSTIN, March 24, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Garrison,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Houston of Bexar:

Memorial of Knights of Labor, protesting against the employment of convicts outside the walls of the State prison.

Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 25, proposing an amendment to section 20, article 16, of the Constitution of the State of Texas, prohibiting the manufacture, sale, barter and exchange of intoxicating liquors, have had the same under consideration, and a majority of said committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

By Senator Davis: